

## **Construction Manager as Constructor (CMc) Contract for Repair and Alteration Project at the United States District Courthouse, Pensacola, Florida**

### **The Solicitation**

#### **552.219-71, Notice to Offerors of Subcontracting Plan Requirements (MAR 2012)**

The General Services Administration (GSA) is committed to ensuring that maximum practicable opportunity is provided to small, HUBZone small, small disadvantaged, women-owned, veteran-owned, and service-disabled veteran owned small business concerns to participate in the performance of this contract consistent with its efficient performance. GSA expects any subcontracting plan submitted pursuant to FAR 52.219-9, Small Business Subcontracting Plan, to reflect this commitment. Consequently, an offeror, other than a small business concern, before being awarded a contract exceeding \$700,000 (\$1,500,000 for construction), must demonstrate that its subcontracting plan represents a creative and innovative program for involving small, HUBZone small, small disadvantaged, women-owned, veteran-owned, and service-disabled veteran owned small business concerns as subcontractors in the performance of this contract.

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## **I. General Information**

### **I.A. The Solicitation and Contract**

- (1) This Solicitation sets forth requirements for proposals for a Contract to provide Design Phase Services and the option(s) for Construction Services at a Guaranteed Maximum Price (GMP Option) for constructing the Project described in the Solicitation Documents. Proposals conforming to the Solicitation requirements will be evaluated in accordance with the Method of Award set forth herein. The Government will award the Contract to the selected Offeror, subject to the conditions set forth herein.
- (2) Neither the Solicitation nor any part of an Offeror's proposal shall be part of the Contract except to the extent expressly incorporated therein.
- (3) The Offeror's proposal submitted in response to this Solicitation shall constitute a firm offer for the design phase services and construction of the Project. No contract shall be formed unless and until the Contracting Officer has countersigned the SF 1442 submitted by an Offeror, and delivered to the Contractor a copy of the SF 1442 with original signatures together with the Agreement reflecting the Offeror's proposed prices.
- (4) The base contract for design phase services will be awarded as a firm fixed- price and the option(s) for Construction Services at a Guaranteed Maximum Price (GMP Option) for constructing the Project. The Government will award a firm- fixed price for the Construction Services at 100% design completion.

### **I.B. List of Solicitation Documents**

The Solicitation Documents are comprised of:

- (1) The Solicitation
- (2) Offeror Representations and Certifications Form
- (3) Other Forms Required For Submission with Proposals
- (4) Standard Form (SF) 1442 and additional pricing sheet – Solicitation Offer and Award
- (5) The Agreement and Attachments to the Agreement
- (6) Statement of Work / Drawings and Specifications
- (7) General Decision Number: FL170247 02/03/2017 FL247 /  
Superseded General Decision Number: FL20160247

### **I.C. Authorized Representatives**

The following individuals are designated as the authorized GSA representatives under this Solicitation:

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**Contracting Officer**

Name: Michael Reece  
Address: 77 Forsyth Street  
Atlanta, Georgia 30303  
Telephone: 404-215-8756  
Email: michael.reece@gsa.gov

**Alternate Point of Contact**

Name: Rosalind Cherry  
Address: 77 Forsyth Street  
Atlanta, Georgia 30303  
Telephone: 404-331-5461  
Email: rosalind.cherry@gsa.gov

**I.D. Pre-Proposal Conference**

- (1) A pre-proposal conference regarding this Solicitation is scheduled as follows:

Date: June 6, 2017  
Time: 9:00 am  
Location: TBD

(2) Interested parties must notify the Contracting Officer for further information about attendance and to confirm location, time, and date. Only those parties who have notified the Contracting Officer and provided necessary information in advance of the meeting will be allowed to attend. To request a reasonable accommodation due to a disability, contact the Contracting Officer.

**I.E. Magnitude of Construction, Construction Contingency Allowance, and Shared Savings**

- (1) The estimated price range for the Project is between \$13,000,000 and \$23,000,000.
- (2) The CMc Contingency Allowance (CCA), is three percent (3%) of the Estimated Cost of the Work (ECW), as defined in the Agreement.
- (3) The Contract contemplated by this Solicitation provides for shared savings.

**I.F. FAR 52.236-27, Site Visit - Construction (FEB 95)**

- (1) The clauses at FAR 52.236-2, Differing Site Conditions, and FAR 52.236-3, Site Investigations and Conditions Affecting the Work, will be included in any contract awarded as a result of this solicitation. Accordingly, Offerors are urged and expected to inspect the site where the work will be performed.
- (2) Site visits will be conducted by appointment only at the times and dates specified by the point of contact shown below. To arrange for a site visit, contact:

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Name: Rosalind Cherry  
Address: 77 Forsyth Street  
Atlanta, Georgia 30303  
Telephone: 404-331-5461  
Email: rosalind.cherry@gsa.gov

(3) Pre-registration is required for all attendees to the pre-proposal Site Visit. The Site Visit shall be limited to not more than four (4) representatives from each Offeror. Offerors shall submit a Visit Authorization Request (VAR) identifying all attendees from their respective team. Participants must have a valid, Government issued picture identification, driver's license preferred, to gain access for the pre-proposal Site Visit. Notification of the location of entry, where attendees are required to meet, and all other requirements for the Site Visit will be issued to the Offerors. Submit the VAR to the point of contact listed below.

**I.G. Receipt of Offers**

(1) In order to be considered for award, offers conforming to the requirements of the Solicitation must be received at the following office no later than 4:00 pm on the following date and at the following address:

Date: June 23, 2017  
Address: Attn: Rosalind Cherry  
77 Forsyth Street  
Atlanta, Georgia 30303

(2) Offers sent by commercial package delivery and hand delivery shall be deemed received as of the date and time of delivery to the office designated for receipt of offers.

(3) Offers sent by United States Mail shall be deemed timely if delivered to the address of the office designated for receipt of offers on or before the date established for receipt of offers.

**II. Proposals****II.A. Proposal Contents**

Proposals shall consist of the following documents, completed and executed in accordance with this Solicitation:

- (1) Price Proposal
- (2) Technical Proposal
- (3) Representations and Certification
- (4) Subcontracting Plan
- (5) GSA Form 527 – Contractor's Qualification and Financial Information

## **II.B. Proposal Format**

Firms responding to the solicitation notice shall submit one (1) original hardcopy and one (1) electronic copy on USB flash drive of the required technical proposal and price proposal. The submission should be in an 8-1/2"x11" bound format and should be organized to correspond with the evaluation factors listed below. All hard copy materials submitted shall be in typeface Times New Roman 12 point, double spaced on 8-1/2" X 11" white paper with one inch margins all around and printed on one side. Electronic submission should be a PDF file. Please **ensure that the PDF file is a "read only" document.**

The Technical/Management Proposal shall not contain more than 50 numbered pages inclusive of the table of contents, charts, exhibits, and any other materials the Offeror deems required for each evaluation factor listed herein for which the offeror is addressing.

Additional pages cannot be evaluated..

## **II.C. Price Proposal**

### **(1) Contents**

The Price Proposal shall consist of the SF 1442 and the Agreement, with prices and/or rates indicated for each price element shown on the pricing form included in Section II of the Agreement. Indicate the Base Contract Price **for design phase services in Block 17 of the SF 1442, which must be fully executed by the Offeror. Referenced pricing form is attached to SF 1442.**

### **(2) Qualifications, Exclusions and Conditions**

If the Offeror communicates in its proposal any qualifications, exclusions, or conditions to the proposed prices not provided for in the Contract Documents, the Contracting Officer may reject the proposal and exclude the Offeror from further discussions.

## **II.D. Technical Proposal**

The Technical Proposal shall include the information requested below for the non-price factors described in Section VI. The factors being evaluated below are rated of equal importance.

- Factor 1: Past Performance
- Factor 2: Experience
- Factor 3: Management Approach

**"Similar" and "Relevant":** For each evaluation factor, the Offeror should provide examples of successfully completing similar or relevant projects known as Most Relevant Project Summary (MRPS). "Similar" and "Relevant" are defined as projects of multi-story (3 story minimum) construction containing a minimum of 50,000 gross square feet. These structures can include a construction cost of a minimum of \$15 million. Particular emphasis is placed on a proposals demonstrating experience of the total project. Proposals demonstrating projects that include one or more of the following characteristics will be considered more relevant: Construction Manager as Constructor; repair and alteration including exterior envelope

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replacement/renovation; HVAC upgrade, and in an urban environment and shall be judged more favorable than proposals reflecting less experience.

See Section VI "Method of Evaluation" for information required and standards for evaluation.

**II.E. Other Information to be Submitted with Proposal****(1) Representations and Certifications**

Offerors submitting a proposal in response to this Solicitation shall complete electronic Annual Representations and Certifications in conjunction with required Entity registration in the System for Award Management accessed via <https://www.sam.gov>.

Offerors shall also submit with their proposal the Annual Representations and Certifications (FAR 52.204-8), using the attached Offeror's Representations and Certifications (CMc301).

**(2) Qualifications of Offerors**

Offerors submitting a proposal in response to this Solicitation shall submit with their proposal evidence of their financial responsibility and capacity to perform the Contract. Offerors shall submit this information on GSA Form 527 – Contractor's Qualifications and Financial Information. Where applicable, point of contact, including names and telephone numbers, are required for all contracts listed.

(3) The Offeror must submit certification from a Certified Public Accountant (CPA) that the Offeror's accounting system provides for the following:

- The accounting system is in accordance with GAAP.
- There is proper segregation of direct costs and indirect costs.
- There is proper identification and accumulation of direct costs by contract.
- There is a labor time distribution system that charges direct and indirect labor appropriately.

The GAAP Certification must be provided from the accountant directly to the Government within 10 days of submission of a proposal.

**II.F. Requirements for Joint Venture Offerors**

(1) All offers submitted by joint ventures must include a copy of an executed joint venture agreement (with original signatures) which fully discloses the legal identity of each member of the joint venture, the relationship between the members, the form of ownership of each member, and any limitations on liability or authority for each member.

(2) An authorized representative of each member of the joint venture must sign the SF 1442 accompanying an offer regardless of any agency relationship established between the members.

(3) In the case of corporations that are joint venture members, the corporation secretary must certify that the corporation is authorized to participate in the joint venture, either by so certifying in the joint venture agreement, or by submitting a separate certification to the Government. The

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joint venture must also provide a certificate that identifies a principal representative of the joint venture with full authority to bind the joint venture.

(4) Representations and certifications, financial information, and past performance information must be submitted for each member of the joint venture.

### **III. General Provisions**

#### **III.A. Availability of Funds**

Issuance of this Solicitation does not warrant that funds are presently available for award of a Contract. Award of the Contract shall be subject to the availability of appropriated funds, and the Government shall incur no obligation under this Solicitation in advance of such time as funds are made available to the Contracting Officer for the purpose of Contract award.

#### **III.B. Requests for Clarification or Interpretation**

The Government will attempt to answer all requests for clarifications or interpretations of the Solicitation Documents prior to the date set for receipt of offers, but will not warrant that all such requests will be answered within 5 calendar days. Therefore, prospective Offerors should make such request by **Friday, June 9, 2017 by 12:00 pm (EST)**.

#### **III.C. Notice to Small Business Firms**

A program for the purpose of assisting qualified small business concerns in obtaining certain bid, payment, or performance bonds that are otherwise not obtainable is available through the Small Business Administration (SBA) ([www.sba.gov](http://www.sba.gov)). For information concerning SBA's surety bond guarantee assistance, contact your SBA District Office.

#### **III.D. Information Concerning the Disclosure of Solicitation Results**

This acquisition is being conducted under the provisions of FAR Part 15 as a negotiated procurement. In accordance with FAR 3.104 and FAR 15.207, after receipt of proposals, no information regarding the identity of those submitting offers, the number of offers received, or the information contained in such offers will be made available until after award except as provided by FAR 15.503.

#### **III.E. Affirmative Procurement Program**

GSA has implemented an Affirmative Procurement Program (APP) intended to maximize the use of recovered materials, environmentally preferable, and bio-based products. Offerors should familiarize themselves with the requirements for using and reporting on the use of such materials in performance as set forth in the Agreement. Refer to clauses FAR 52.204-4 requiring double sided printing on recycled paper for all reports and FAR 52.223-10 encouraging vendors to practice waste reduction.

#### **III.F. Notice Concerning Preparation of Proposals**

The Contract contemplated by this Solicitation provides for a Guaranteed Maximum Price

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(GMP) with CMc Contingency Allowance (CCA), and determines the contractor's compensation in a manner significantly different from a firm-fixed-price contract.

Offerors are cautioned to carefully read the entire Solicitation and the Agreement to be included in the Contract contemplated by the Solicitation in order to be fully aware of all requirements and clauses in the contemplated Contract. Verify that all blanks requiring information to be supplied in an Offer have been properly filled out, that all pricing and other numerical data is accurately calculated, and that all copies of the Offer contain the same information.

**III.G. Bond Requirements**

A bid guarantee will be required 90 days prior to the exercise of the Construction Option. The option award will require a performance and payment bonds as specified in the Agreement. Offerors who utilize individual sureties should note the requirement for a certified, audited, financial statement for each person acting as an individual surety under clause FAR 52.228-1 Bid Guarantee and the requirements of clause FAR 52.228-11 Pledge of Assets.

**III.H. Contractor Performance Information**

(1) *Evaluating Contractor Performance:* The General Services Administration is using the Contractor Performance Assessment Reporting System (CPARS) module as the secure, confidential, information management tool to facilitate the performance evaluation process. CPARS enables a comprehensive evaluation by capturing comments from both GSA and the contractor. The website for CPARS is <http://www.cpars.gov>

Completed CPARS evaluations are sent to the Past Performance Information Retrieval System (PPIRS) which may then be used by Federal acquisition community for use in making source selection decisions. PPIRS assists acquisition officials by serving as the single source for contractor past performance data.

(2) *CPARS Registration:* Each award requiring an evaluation must be registered in CPARS. The contractor will receive several automated emails. Within thirty days of award, the contractor will receive an e-mail that contains user account information, as well as the applicable contract and order number(s) assigned. Contractors will be granted one user account to access all evaluations.

(3) *Contractor CPARS Training:* Contractors may sign up for CPARS training. A schedule of classes will be posted to the CPARS training site (<http://www.cpars.gov/allapps/cpcbtdlf.htm>) and updated as needed.

(4) *Contractor Representative (CR) Role:* All evaluations will be sent the Contractor Representative (CR) named on your award. The CR will be able to access CPARS to review and comment on the evaluation. If your CR is not already in the CPARS system, the contracting officer will request the name and email address of the person that will be responsible for the CR role on your award.

Once an evaluation is ready to be released the CR will receive an email alerting them the evaluation is ready for their review and comment. The email will indicate the time frame the CR has to respond to the evaluation; however, the CR may return the evaluation earlier than this

date.

GSA shall provide for review at a level above the contracting officer (i.e., contracting director) to consider any disagreement between GSA and the contractor regarding GSA's evaluation of the contractor. Based on the review, the individual at a level above the contracting officer will issue the ultimate conclusion on the performance evaluation.

Copies of the evaluations, contractor responses, and review comments, if any, will be retained as part of the contract file.

### **III.I. Safeguarding Documents Designated as Sensitive But Unclassified**

Certain information contained in the Solicitation Documents may have been designated as Sensitive but Unclassified (SBU) building information. With respect to such information, Offerors shall agree to the terms for receipt of such information set forth in Section III.A. of the Agreement (Administrative Matters) as a condition of receipt of such information.

### **III.J. Additional Security Requirements**

- (1) FAR 52.204-9, Personal Identity Verification of Contractor Personnel, January 2011

## **IV. FAR/GSAR Solicitation Provisions**

### **IV.A. FAR 52.215-1, Instructions to Offerors—Competitive Acquisition (JAN 04) Alt 1 (OCT 97)**

(a) *Definitions.* As used in this provision—

“Discussions” are negotiations that occur after establishment of the competitive range that may, at the Contracting Officer’s discretion, result in the offeror being allowed to revise its proposal.

“In writing,” “writing,” or “written” means any worded or numbered expression that can be read, reproduced, and later communicated, and includes electronically transmitted and stored information.

“Proposal modification” is a change made to a proposal before the solicitation’s closing date and time, or made in response to an amendment, or made to correct a mistake at any time before award.

“Proposal revision” is a change to a proposal made after the solicitation closing date, at the request of or as allowed by a Contracting Officer as the result of negotiations.

“Time,” if stated as a number of days, is calculated using calendar days, unless otherwise specified, and will include Saturdays, Sundays, and legal holidays. However, if the last day falls on a Saturday, Sunday, or legal holiday, then the period shall include the next working day.

(b) *Amendments to solicitations.* If this solicitation is amended, all terms and conditions that are not amended remain unchanged. Offerors shall acknowledge receipt of any amendment to this solicitation by the date and time specified in the amendment(s).

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*(c) Submission, modification, revision, and withdrawal of proposals.*

(1) Unless other methods (e.g., electronic commerce or facsimile) are permitted in the solicitation, proposals and modifications to proposals shall be submitted in paper media in sealed envelopes or packages (i) addressed to the office specified in the solicitation, and (ii) showing the time and date specified for receipt, the solicitation number, and the name and address of the offeror. Offerors using commercial carriers should ensure that the proposal is marked on the outermost wrapper with the information in paragraphs (c)(1)(i) and (c)(1)(ii) of this provision.

(2) The first page of the proposal must show—

(i) The solicitation number;

(ii) The name, address, and telephone and facsimile numbers of the offeror (and electronic address if available);

(iii) A statement specifying the extent of agreement with all terms, conditions, and provisions included in the solicitation and agreement to furnish any or all items upon which prices are offered at the price set opposite each item;

(iv) Names, titles, and telephone and facsimile numbers (and electronic addresses if available) of persons authorized to negotiate on the offeror's behalf with the Government in connection with this solicitation; and

(v) Name, title, and signature of person authorized to sign the proposal. Proposals signed by an agent shall be accompanied by evidence of that agent's authority, unless that evidence has been previously furnished to the issuing office.

(3) Submission, modification, revision, and withdrawal of proposals.

(i) Offerors are responsible for submitting proposals, and any modifications or revisions, so as to reach the Government office designated in the solicitation by the time specified in the solicitation. If no time is specified in the solicitation, the time for receipt is 4:30 p.m., local time, for the designated Government office on the date that proposal or revision is due.

(ii) (A) Any proposal, modification, or revision received at the Government office designated in the solicitation after the exact time specified for receipt of offers is "late" and will not be considered unless it is received before award is made, the Contracting Officer determines that accepting the late offer would not unduly delay the acquisition; and—

(1) If it was transmitted through an electronic commerce method authorized by the solicitation, it was received at the initial point of entry to the Government infrastructure not later than 5:00 p.m. one working day prior to the date specified for receipt of proposals; or

(2) There is acceptable evidence to establish that it was received at the Government installation designated for receipt of offers and was under the Government's control prior to the time set for receipt of offers; or

(3) It is the only proposal received.

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(B) However, a late modification of an otherwise successful proposal that makes its terms more favorable to the Government, will be considered at any time it is received and may be accepted.

(iii) Acceptable evidence to establish the time of receipt at the Government installation includes the time/date stamp of that installation on the proposal wrapper, other documentary evidence of receipt maintained by the installation, or oral testimony or statements of Government personnel.

(iv) If an emergency or unanticipated event interrupts normal Government processes so that proposals cannot be received at the office designated for receipt of proposals by the exact time specified in the solicitation, and urgent Government requirements preclude amendment of the solicitation, the time specified for receipt of proposals will be deemed to be extended to the same time of day specified in the solicitation on the first work day on which normal Government processes resume.

(v) Proposals may be withdrawn by written notice received at any time before award. Oral proposals in response to oral solicitations may be withdrawn orally. If the solicitation authorizes facsimile proposals, proposals may be withdrawn via facsimile received at any time before award, subject to the conditions specified in the provision at 52.215-5, Facsimile Proposals. Proposals may be withdrawn in person by an offeror or an authorized representative, if the identity of the person requesting withdrawal is established and the person signs a receipt for the proposal before award.

(4) Unless otherwise specified in the solicitation, the offeror may propose to provide any item or combination of items.

(5) Offerors shall submit proposals in response to this solicitation in English, unless otherwise permitted by the solicitation, and in U.S. dollars, unless the provision at FAR 52.225-17, Evaluation of Foreign Currency Offers, is included in the solicitation.

(6) Offerors may submit modifications to their proposals at any time before the solicitation closing date and time, and may submit modifications in response to an amendment, or to correct a mistake at any time before award.

(7) Offerors may submit revised proposals only if requested or allowed by the Contracting Officer.

(8) Proposals may be withdrawn at any time before award. Withdrawals are effective upon receipt of notice by the Contracting Officer.

(d) *Offer expiration date.* Proposals in response to this solicitation will be valid for the number of days specified on the solicitation cover sheet (unless a different period is proposed by the offeror).

(e) *Restriction on disclosure and use of data.* Offerors that include in their proposals data that they do not want disclosed to the public for any purpose, or used by the Government except for evaluation purposes, shall—

(1) Mark the title page with the following legend:

This proposal includes data that shall not be disclosed outside the Government and

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shall not be duplicated, used, or disclosed—in whole or in part—for any purpose other than to evaluate this proposal. If, however, a contract is awarded to this offeror as a result of—or in connection with—the submission of this data, the Government shall have the right to duplicate, use, or disclose the data to the extent provided in the resulting contract. This restriction does not limit the Government's right to use information contained in this data if it is obtained from another source without restriction. The data subject to this restriction are contained in sheets *[insert numbers or other identification of sheets]*; and

(2) Mark each sheet of data it wishes to restrict with the following legend:

Use or disclosure of data contained on this sheet is subject to the restriction on the title page of this proposal.

(f) *Contract award.*

(1) The Government intends to award a contract or contracts resulting from this solicitation to the responsible offeror(s) whose proposal(s) represents the best value after evaluation in accordance with the factors and subfactors in the solicitation.

(2) The Government may reject any or all proposals if such action is in the Government's interest.

(3) The Government may waive informalities and minor irregularities in proposals received.

(4) The Government intends to evaluate proposals and award a contract after conducting discussions with offerors whose proposals have been determined to be within the competitive range. If the Contracting Officer determines that the number of proposals that would otherwise be in the competitive range exceeds the number at which an efficient competition can be conducted, the Contracting Officer may limit the number of proposals in the competitive range to the greatest number that will permit an efficient competition among the most highly rated proposals. Therefore, the offeror's initial proposal should contain the offeror's best terms from a price and technical standpoint.

(5) The Government reserves the right to make an award on any item for a quantity less than the quantity offered, at the unit cost or prices offered, unless the offeror specifies otherwise in the proposal.

(6) The Government reserves the right to make multiple awards if, after considering the additional administrative costs, it is in the Government's best interest to do so.

(7) Exchanges with offerors after receipt of a proposal do not constitute a rejection or counteroffer by the Government.

(8) The Government may determine that a proposal is unacceptable if the prices proposed are materially unbalanced between line items or subline items. Unbalanced pricing exists when, despite an acceptable total evaluated price, the price of one or more contract line items is significantly overstated or understated as indicated by the application of cost or price analysis techniques. A proposal may be rejected if the Contracting Officer determines that the lack of balance poses an unacceptable risk to the Government.

(9) If a cost realism analysis is performed, cost realism may be considered by the

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source selection authority in evaluating performance or schedule risk.

(10) A written award or acceptance of proposal mailed or otherwise furnished to the successful offeror within the time specified in the proposal shall result in a binding contract without further action by either party.

(11) If a post-award debriefing is given to requesting offerors, the Government shall disclose the following information, if applicable:

(i) The agency's evaluation of the significant weak or deficient factors in the debriefed offeror's offer.

(ii) The overall evaluated cost or price and technical rating of the successful and the debriefed offeror and past performance information on the debriefed offeror.

(iii) The overall ranking of all offerors, when any ranking was developed by the agency during source selection.

(iv) A summary of the rationale for award.

(v) For acquisitions of commercial items, the make and model of the item to be delivered by the successful offeror.

(vi) Reasonable responses to relevant questions posed by the debriefed offeror as to whether source-selection procedures set forth in the solicitation, applicable regulations, and other applicable authorities were followed by the agency.

**IV.B. FAR 52.216-1, Type of Contract (APR 84)**

The Government contemplates award of a Construction Manager as Constructor (CMc) Guaranteed Maximum Price with Construction Contingency Allowance and Shared Savings contract resulting from this solicitation. The Government will firm fix price the Construction Services at 100% design completion.

**IV.C. FAR 52.222-5, Construction Wage Rate Requirements—Secondary Site of the Work (JUL 05)**

(a)(1) The offeror shall notify the Government if the offeror intends to perform work at any secondary site of the work, as defined in paragraph (a)(1)(ii) of the FAR clause at 52.222-6, Construction Wage Rate Requirements, of this solicitation.

(2) If the offeror is unsure if a planned work site satisfies the criteria for a secondary site of the work, the offeror shall request a determination from the Contracting Officer.

(b) (1) If the wage determination provided by the Government for work at the primary site of the work is not applicable to the secondary site of the work, the offeror shall request a wage determination from the Contracting Officer.

(2) The due date for receipt of offers will not be extended as a result of an offeror's request for a wage determination for a secondary site of the work.

**IV.D. FAR 52.222-23, Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity for Construction (FEB 1999)**

*(Applicable to solicitations resulting in construction contracts in excess of \$10,000.)*

(a) The offeror's attention is called to the Equal Opportunity clause and the Affirmative Action Compliance Requirements for Construction clause of this solicitation.

(b) The goals for minority and female participation, expressed in percentage terms for the Contractor's aggregate workforce in each trade on all construction work in the covered area, are as follows:

Goals for Minority Participation for Each Trade	Goals for Female Participation for Each Trade
18.3 %.	6.9%

These goals are applicable to all the Contractor's construction work performed in the covered area. If the Contractor performs construction work in a geographical area located outside of the covered area, the Contractor shall apply the goals established for the geographical area where the work is actually performed. Goals are published periodically in the Federal Register in notice form, and these notices may be obtained from any Office of Federal Contract Compliance Programs office.

(c) The Contractor's compliance with Executive Order 11246, as amended, and the regulations in 41 CFR 60-4 shall be based on (1) its implementation of the Equal Opportunity clause, (2) specific affirmative action obligations required by the clause entitled "Affirmative Action Compliance Requirements for Construction," and (3) its efforts to meet the goals. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade. The Contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from Contractor to Contractor, or from project to project, for the sole purpose of meeting the Contractor's goals shall be a violation of the contract, Executive Order 11246, as amended, and the regulations in 41 CFR 60-4. Compliance with the goals will be measured against the total work hours performed.

(d) The Contractor shall provide written notification to the Deputy Assistant Secretary for Federal Contract Compliance, U.S. Department of Labor, within 10 working days following award of any construction subcontract in excess of \$10,000 at any tier for construction work under the contract resulting from this solicitation. The notification shall list the--

- (1) Name, address, and telephone number of the subcontractor;
- (2) Employer's identification number of the subcontractor;
- (3) Estimated dollar amount of the subcontract;
- (4) Estimated starting and completion dates of the subcontract; and
- (5) Geographical area in which the subcontract is to be performed.

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(e) As used in this Notice, and in any contract resulting from this solicitation, the "covered area" is: [Florida, Escambia, and Pensacola](#).

### IV.E. FAR 52.233-2, Service of Protest (SEP 06)

(a) Protests, as defined in section 31.101 of the Federal Acquisition Regulation, that are filed directly with an agency, and copies of any protests that are filed with the Government Accountability Office (GAO), shall be served on the Contracting Officer (addressed as follows) by obtaining written and dated acknowledgment of receipt from the Contracting Officer at the address provided in the provision "Receipt of Offers" in Section I (General Information).

(b) The copy of any protest shall be received in the office designated above within one day of filing a protest with the GAO.

### IV.F. Buy American

FAR 52.225-12

#### NOTICE OF BUY AMERICAN REQUIREMENT—CONSTRUCTION MATERIALS UNDER TRADE AGREEMENTS (MAY 2014)

(a) Definitions. "Commercially available off-the-shelf (COTS) item," "construction material," "designated country construction material," "domestic construction material," and "foreign construction material," as used in this provision, are defined in the clause of this solicitation entitled "Buy American—Construction Materials Under Trade Agreements" (Federal Acquisition

Regulation (FAR) clause [52.225-11](#)).

(b) Requests for determination of inapplicability. An offeror requesting a determination regarding the inapplicability of the Buy American statute should submit the request to the Contracting Officer in time to allow a determination before submission of offers. The offeror shall include the information and applicable supporting data required by paragraphs (c) and (d) of FAR clause [52.225-11](#) in the request. If an offeror has not requested a determination regarding the inapplicability of the Buy American statute before submitting its offer, or has not received a response to a previous request, the offeror shall include the information and supporting data in the offer.

(c) Evaluation of offers.

(1) The Government will evaluate an offer requesting exception to the requirements of the Buy American statute, based on claimed unreasonable cost of domestic construction materials, by adding to the offered price the appropriate percentage of the cost of such foreign construction material, as specified in paragraph (b)(4)(i) of FAR clause [52.225-11](#).

(2) If evaluation results in a tie between an offeror that requested the substitution of foreign construction material based on unreasonable cost and an offeror that did not request an

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exception, the Contracting Officer will award to the offeror that did not request an exception based on unreasonable cost.

(d) Alternate offers.

(1) When an offer includes foreign construction material, other than designated country construction material, that is not listed by the Government in this solicitation in paragraph (b)(3) of FAR clause [52.225-11](#), the offeror also may submit an alternate offer based on use of equivalent domestic or designated country construction material.

(2) If an alternate offer is submitted, the offeror shall submit a separate [Standard Form 1442](#) for the alternate offer, and a separate price comparison table prepared in accordance with paragraphs (c) and (d) of FAR clause [52.225-11](#) for the offer that is based on the use of any foreign construction material for which the Government has not yet determined an exception applies.

(3) If the Government determines that a particular exception requested in accordance with paragraph (c) of FAR clause [52.225-11](#) does not apply, the Government will evaluate only those offers based on use of the equivalent domestic or designated country construction material, and the offeror shall be required to furnish such domestic or designated country construction material. An offer based on use of the foreign construction material for which an exception was requested—

- (i) Will be rejected as nonresponsive if this acquisition is conducted by sealed bidding; or
- (ii) May be accepted if revised during negotiations.

### **IV.G. Buy American Exceptions**

For Buy American exceptions, if any, see the applicable Buy American clause in Section IV of the Agreement.

### **IV.H. Small Business Subcontracting Plan**

A Small Business Subcontracting Plan, as required under FAR 52.219-9, is required to be submitted with offers.

[GSAR (552.219-71/72/73 (Alt 1))]

### **IV.I. Project Labor Agreement (PLA) – Not Applicable**

### **IV.J. GSAR 552.252-5 Authorized Deviations in Provisions (Deviation FAR 52.252-5) (Sep 1999)**

(a) Deviations to FAR provisions.

(1) This solicitation indicates any authorized deviation to a Federal Acquisition Regulation (48 CFR Chapter 1) provision by the addition of “(DEVIATION)” after the date of the provision, if the provision is not published in the General Services Administration Acquisition Regulation (48 CFR Chapter 5).

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(2) This solicitation indicates any authorized deviation to a Federal Acquisition Regulation (FAR) provision that is published in the General Services Administration Acquisition Regulation by the addition of “(DEVIATION (FAR provision no.))” after the date of the provision.

(b) Deviations to GSAR provisions. This solicitation indicates any authorized deviation to a General Services Administration Acquisition Regulation provision by the addition of “(DEVIATION)” after the date of the provision.

(c) “Substantially the same as” provisions. Changes in wording of provisions prescribed for use on a “substantially the same as” basis are not considered deviations.

36.208 Concurrent performance of firm-fixed-price and other types of construction contracts.

In view of potential labor and administrative problems, cost-plus-fixed-fee, price-incentive, or other types of contracts with cost variation or cost adjustment features shall not be permitted concurrently, at the same work site, with firm-fixed-price, lump sum, or unit price contracts except with the prior approval of the head of the contracting activity.

**IV.K. FAR 52.252-1, Solicitation Provisions Incorporated by Reference (FEB 98)**

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. The offeror is cautioned that the listed provisions may include blocks that must be completed by the offeror and submitted with its quotation or offer. In lieu of submitting the full text of those provisions, the offeror may identify the provision by paragraph identifier and provide the appropriate information with its quotation or offer. Also, the full text of a solicitation provision may be accessed electronically at this address:

<http://www.acquisition.gov/comp/far/index.html>

NUMBER	TITLE	DATE
52.214-34	Submission of Offers in the English Language	APR 91
52.215-16	Facilities Capital Cost of Money	JUN 03
52.219-4	Notice of Price Evaluation Preference for HUBZone Small Business Concerns	OCT 14
52.236-28	Preparation of Proposals—Construction	OCT 97

**IV.L. GSAR Clause 552.102 Incorporating Provisions and Clauses**

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available.

NUMBER	TITLE	DATE
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## **V. Additional Solicitation Provisions and Instructions**

### **V.A. Additional Provisions**

1. *Reference:* IV.A. FAR 52.215-1, Instructions to Offerors—Competitive Acquisition (JAN 04) Alt 1 (OCT 97); Contracting Officer reserves the right to hold discussions.

### **V.B. Additional Clauses**

FAR 52.223-21, FOAMS (Jun 2016)

FAR 52-222-55 Minimum Wages Under Executive Order 13658 (Dec 2015)

FAR 52.232-40, Providing Accelerated Payments to Small Business Subcontractors (Dec 2013)

52.223-16 Acquisition of EPEAT®-Registered Personal Computer Products (Oct 2015)

52.236-15 Schedules for Construction Contracts (Apr 1984)

52.244-5 Competition in Subcontracting (Dec 1996)

52.248-3 Value Engineering—Construction (Oct 2015)

**V.D.** FAR 52.222-62, Paid Sick Leave under Executive Order 13706

## **VI. Method of Award**

### **VI.A. Evaluation of Offers**

(1) The Government will award a contract resulting from this Solicitation to the responsible Offeror whose offer conforming to the Solicitation will be the best value to the Government, Total Evaluated Price and other factors considered. In addition to Total Evaluated Price, the following non-price factors shall be used to evaluate offers:

***The criteria below will be evaluated equally:***

- (a) Past Performance
- (b) Experience
- (c) Management Approach

(2) Non-Price Factors, when combined, are significantly more important than Total Evaluated Price.

(3) Tradeoff In Accordance With FAR 15.101 Best value continuum.

### **VI.B. Determination of Responsibility**

In order to be considered responsible, an Offeror must demonstrate that it meets the requirements of FAR 9.104-1. The Contracting Officer's determination of an Offeror's responsibility or nonresponsibility may be based upon any information obtained by the

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Contracting Officer, and is independent of the evaluation of offers set forth herein.

### **VI.C. Price Reasonableness**

The proposed prices will be evaluated for reasonableness. Price reasonableness determines whether an Offeror's price is too high. Analysis of price proposals will be performed using one or more of the techniques defined in FAR 15.404 in order to determine price reasonableness. Normally, price reasonableness is established through adequate price competition, but may also be determined through price analysis techniques as described in FAR 15.404-1. Notwithstanding anything to the contrary in this solicitation and for the avoidance of doubt, the Government will **not** perform a price realism analysis of the Offeror's proposal.

### **VI.D. Unbalanced Prices**

Offers must include balanced prices. Unbalanced pricing may increase performance risk and could result in payment of unreasonably high prices. Unbalanced pricing exists when, despite an acceptable total evaluated price, the price of one or more contract line items is significantly over or understated as indicated by the application of price analysis techniques. All offers with separately priced line items or subline items shall be analyzed to determine if the prices are unbalanced. If price analysis techniques indicate that an offer is unbalanced, the contracting officer shall: (i) Consider the risks to the Government associated with the unbalanced pricing in determining the competitive range and in making the source selection decision; and (ii) Consider whether award of the contract will result in paying unreasonably high prices for contract performance. An offer may be rejected if the contracting officer determines that the lack of balance poses an unacceptable risk to the Government.

### **VI.E. Total Evaluated Price**

The Government will evaluate offers for award purposes by adding the total price for GMP option(s) to the total price for the basic requirement. Evaluation of options will not obligate the Government to exercise the option(s). Total Evaluated Price shall be calculated using the prices indicated in the Price Proposal, using the following formula:

See page 4 of the SF 1442

### **VI.F. Non-Price Factors**

#### **(1) Past Performance**

(a) Past performance will be evaluated as a predictor of the Offeror's compliance with contract requirements and overall quality of performance.

(b) Past performance will be evaluated on the basis of information received by the Contracting Officer concerning the Offeror's performance on other contracts, including information not submitted by the Offeror. If the Contracting Officer becomes aware of required past performance information omitted from the Offeror's proposal, the Contracting Officer may draw a negative inference from the omission of such information.

(c) The offeror must demonstrate the ability to provide Design Phase services that result in a final Estimated Cost of the Work (ECW) within the target established at award. The offeror

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must also demonstrate successful past performance of its ability to complete construction phase work within the GMP.

**Information Required:**

Most Relevant Project Summary (MRPS). Provide a minimum of two, and no more than five examples of projects completed within the past ten (10) years and a contract price greater than \$15,000,000 that demonstrate successful past performance on Construction Manager as Constructor or Construction Manager at Risk contracts or on contracts that use a GMP. Provide the following information for each example: project description, including program, square footage, site acreage, project schedule, and scope of Design and Construction services; project owner and reference contact information; GMP or budget at award; and GMP at the construction start and final contract value after adjustments, indicate whether liquidated damages were assessed against the Offeror due to late completion.

**Past Performance Questionnaires:**

The questionnaire will ask, but not be limited to, questions relating to ratings of the Offeror's timeliness of performance, cost control, quality of product, business relationship, continuity of personnel, qualification of personnel, etc. The Government will not impute additional experience with regard to a specific transaction based on information provided by a reference.

The Offeror must submit a Past Performance Questionnaire (PPQ) (included in the solicitation as Attachment~, completed by the applicable client, for each project included in its proposal for Factor 1, usually "Past Performance for the Prime Contractor". Completed PPQs should be submitted with the proposal. Ensure correct phone numbers and email addresses are provided for the client point of contact. Offerors should follow-up with clients/references to ensure timely submittal of questionnaires. If the Offeror is unable to obtain a completed PPQ from a client for a project before proposal closing date, the Offeror should complete and submit with the proposal the first page of the PPQ, which will provide contract and client information for the project. If the client requests, the client may submit a questionnaire directly to the Government's point of contact, via email at [rosalind.cherry@gsa.gov](mailto:rosalind.cherry@gsa.gov) prior to proposal closing date. Offerors may resubmit questionnaires previously submitted with other proposals or may obtain an updated/new PPQ from a client for any submission. Offerors shall not incorporate by reference into their proposal PPQs previously submitted for other RFPs.

Offerors are responsible for ensuring that the references provided are willing and available to be contacted by the Government. If, after three (3) attempts to contact the reference, the Government is unable to speak directly with the reference provided, the lack of speaking to a reference may result in a neutral rating of this element.

Basis of Evaluation: Project organizations with references to projects of significant relevant experience of similar size, scope and complexity will be judged more favorably than proposals reflecting less experience. Project summaries will be

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judged less favorably if it is not evident that sufficient technical qualifications are not directly ascertainable. Ample qualifications will not be judged more favorably than sufficient qualifications.

References indicate that projects have been completed by meeting or exceeding the customers' requirements as set forth in the construction contract documents (drawings and specifications), within established budgets and on schedule, with a minimum number of Requests For Information (RFIs) resulting in contractor requested change orders, with the majority of responses rating GOOD or EXCELLENT shall be evaluated more favorably.

References indicating the Offeror was able to maintain good relationship with all of the Project Team members and reasonableness for use of ADR as a positive process in the firm's relationship with owner/developer shall be evaluated more favorably.

### **Standard for Evaluation**

The standard is met when:

- a. Offeror's Performance Questionnaire is provided for at least two (2) of the projects selected from the Most Relevant Project Summary (MRPS) and have been completed with an acceptable or better rating within the last ten (10) years. A more favorable evaluation is given to new construction projects that were Construction Manager as Constructor (CMc) and had the Government as a client (Federal, State and/or Local).

### **(2) Experience**

- (a) Experience will be evaluated as an indicator of the Offeror's capacity to perform the Contract contemplated by this Solicitation.
- (b) Experience will be evaluated on the basis of information submitted by the Offeror indicating completion of projects of similar size, complexity, and scope. If the Offeror materially misrepresents information relating to its experience, the Contracting Officer may reject the proposal.
- (c) The Offeror's demonstrates previous experience delivering services during the design phase and the construction phase for projects with a GMP including experience with "open book accounting".

### **Information Required:**

Offerors shall address the following in its technical submission for this evaluation factor:

Project Experience (Most Relevant Project Summary (MRPS)). Provide a minimum of two, and no more than five, successful GMP project examples that demonstrate experience in delivering Design and Construction Phase services using "open book accounting" that have been completed within the last ten (10) years that are similar in size, scope, complexity and/or context to this solicitation.

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Provide the following information for each example: project description, including program, square footage, site acreage, project schedule, safety record, and scope of Design and Construction services; project owner and reference contact information; GMP or budget at award; and GMP at the construction start and final contract value after adjustments, indicate whether liquidated damages were assessed against the Offeror due to late completion. Provide contact references for verification.

**Characteristics:****Project Experience:**

- Original and final contract value of Offeror's contract; Contract value at award must be in excess of \$15,000,000, projects of lesser value will be deemed less favorable;
- Delivery Method: Use of construction manager as constructor (CMc) as the delivery method – projects using other delivery methods (Design-Build or Bridging Design-Build (BDB), design-bid-build, etc.) will be evaluated less favorably than CMc;
- Narrative that describes the Project attributes listed and any other information the Offeror deems relevant to this solicitation;
- Physical site constraints;
- Urban Center/Downtown environment;
- Phased turnover;
- Pensacola and or Florida location and experience with Escambia County construction requirements;
- Brief description of key firm's roles and responsibilities;
- Used Building Information Modeling (BIM) in the design and/or construction; and
- Had the Government as a client (Federal, State and/or Local).

**General Information:**

1. Companies performing the Project (Offeror, or others as applicable);
2. Name and location of the Project;
3. Contract type;
4. Name and current telephone number of the owner's representative most knowledgeable of the Project;
5. Contract number for Government contracts;
6. Offeror's team members' role or roles (firm) on the Project (prime or subcontractor/sub-consultant);
7. Percentage increase or decrease in final cost from the original contract value;
8. Scheduled and actual contract completion dates for Offeror's contract;

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(include explanations for any growth or decrease experienced in cost, time or both);

9. Percentage increase or decrease in scheduled time from original contract completion date;
10. Offeror's (or affiliated firms) ownership or partial ownership in the Project, if any;
11. Cost and schedule performance;
12. Claims submitted: amount of days and dollars requested; amount of days and dollars settled;
13. Description of the incentive pricing structure utilized, if any, and the benefits realized by the Offeror and the Owner; and
14. Change Orders: number of change order and total amount that are attributable to unforeseen conditions and or design deficiencies, e.g., design errors or omissions and the likes.
15. Local Market –For each the Offeror, describe knowledge and experience with local markets, subcontractors, the general labor market, materials and local government in the location where the project is being built.

The MRPS shall not exceed two pages or four sheets for each Project.

Key Personnel Experience: Summarize the qualifications, experience, education, background information, specific assignments, and other significant information for each proposed key member of the CMc team. Include resumes of key personnel for both Pre-construction and Construction Services including

- Corporate Construction Executive (principal of CMc firm)
- Project Manager - Pre-Construction Phase (overall design and construction experience, with substantial time commitment to this project)
- Value Engineering Coordinator
- Project Manager - Construction Phase (may be same or different from Pre-Construction Phase Project Manager; primarily responsible for selection of and negotiation with subcontractors)
- Construction Superintendent (overall responsibility for project construction and schedule)
- Quality Control Superintendent (independent employee of CMc with charge from management to achieve construction quality)
- Testing Engineering firms and key individuals

The standard is met when:

- a. Offeror provides at a minimum one (2) relevant project with completed information.
- b. The Most Relevant Project Summary (MRPS) is completed within the last ten (10) years of this RFQ issue date. All of the requested information is

provided for each project on the MRPS.

c. The proposal describes Offeror's knowledge of local markets, subcontractors, the general labor market, and local government in the area for which this project is being built. A more favorable evaluation is given for Offerors with experience in local markets, with subcontractors, with the general labor market, and with local government in the area the building is being built

d. Project organizations with significant/relevant experience with projects of size, scope and complexity will be judged more favorably than proposals reflecting less experience. Project summaries will be judged less favorably if it is not evident that sufficient experience is directly ascertainable.

e. All key personnel role and responsibilities are filled and criteria met.

f. Key personnel with significant/relevant experience with projects of size, scope and complexity serving in role proposed will be judged more favorably than proposals reflecting less experience.

**(3) Management Approach**

The Government will evaluate each offeror's relative understanding of the contract requirements including design phase services and the offeror's ability to manage the construction including scheduling, cost control including contingency management, change order management, and "open book accounting".

**Information Required:**

Provide a description of your approach to Design Phase services and Construction Phase work for this project. The description must address the following:

- The Offeror's approach to Design Phase services including, but not limited to, schedule development, cost-estimating and cost-reconciliation services, address subcontractor participation, and quality of value engineering services.
- The Offeror's approach to Construction services including, but not limited to, scheduling, cost control including contingency management, change order management, and "open book accounting".

In support of the above, the information shall include at a minimum:

1. Narrative: Provide a not-to-exceed 10-page (20 Sides) narrative describing the Offeror's approach to planning, organizing and controlling the execution of the design and construction on the project. The plan should identify how the Offeror plans to implement management techniques to ensure the success and quality of the design and construction of this project.

2. Schedule: As a separate exhibit not included as part of the page count, provide a project schedule in Gantt chart format for execution of the design-build project from award of the contract to completion of testing, acceptance and commissioning of the buildings. Sometimes called a Level 2 schedule, the proposed schedule should provide sufficient detail to illustrate the proposed flow of design and construction activities for the project. It is anticipated that a schedule with nominally 50-100 activities should provide sufficient detail for evaluation purposes.

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3. **Schedule Narrative:** Provide a narrative on the project schedule that highlights key assumptions on which the schedule is based, and discuss the Offeror's strategy for sequencing the work. The narrative should specifically discuss the feasibility of reaching a substantial completion of the project by September 30, 2019 and identify any extraordinary actions that might be required to achieve that date. The narrative should also discuss any significant contingency issues that could potentially delay overall progress on the project, and what actions the Offeror would propose to mitigate the impact on project completion.
4. **Site Staging Plan:** Propose a site/staging plan to include where material lay down will be, placement of job trailers, cranes, how work will be staged, deliveries, etc.;
5. **Management Narrative:** Provide a narrative outlining how the offeror intends to manage the responsibilities of its subcontractors and comply with its subcontracting plan and include the following:
  - Coordination of subcontractors and suppliers to minimize installation conflicts and ensure that specified products, and installation means and methods comply with contract requirements;
  - Monitoring construction schedule and costs, including change orders, to ensure that the project is completed on time and within budget, to include describing construction means and methods in the form of a network analysis schedule;
  - The CMc's use of Building Information Modeling during construction, including the use of the model for fabrication and purchasing of materials and level of subcontractor participation.
  - Narrative on the offerors Quality Control Plan.
  - Narrative on the offerors Safety Plan. Provide the firm's "Workers Compensation Experience Modification Factor" and a contact at the Insurance Company for verification. Higher points may be provided if the firm provides a "Workers Compensation Experience Modification Factor" less than 1.0, and especially if the firm provides a "Workers Compensation Experience Modification Factor" less than 0.5.
  - Discussion related to the management of extended overhead costs in the event of contract modifications.
  - Schedules that contain unusual assumptions or place greater responsibility on the Government for timely completion will be judged less favorably than schedules in which the CMc anticipates, plans, and accepts responsibility for reasonable contingencies.
6. **Resources:** Describe the resources and facilities available to the CMc. Describe in-house computer office automation capabilities, including ability to review as well as to annotate the construction drawings in an AutoCad and/or using building information modeling.

### **Standard for Evaluation:**

Project organizations demonstrating a management approach presenting a clear, complete Plan that addresses all points described above will be judged more favorably.

**VI.G. Evaluation of Joint Venture Offerors**

In the evaluation of responsibility and non-price factors, information submitted for a party to the joint venture will only be evaluated to the extent that the terms of the joint venture agreement do not limit such party's performance or financial obligations as a party to the Contract contemplated by this Solicitation.